

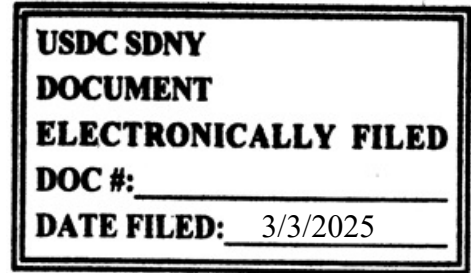
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL SCHAPIRA,

Plaintiff,

-against-

NETBASE SOLUTIONS, INC. d/b/a QUID,
Defendant.



25-CV-01730 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

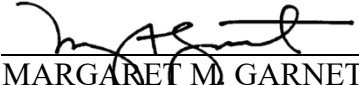
The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction *sua sponte*.

A district court has subject matter jurisdiction based on diversity of citizenship if the suit is between citizens of different states and “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.” 28 U.S.C. § 1332(a). As to the amount-in-controversy requirement, “[a] party invoking the jurisdiction of the federal court has the burden of proving that it appears to a ‘reasonable probability’ that the claim is in excess of the statutory jurisdictional amount.” [Tongkook America, Inc. v. Shipton Sportswear Co.](#), 14 F.3d 781, 784 (2d Cir. 1994). “The amount in controversy is determined at the time the action is commenced.” *Id.* It is well settled that “the sum claimed by the plaintiff controls if the claim is apparently made in good faith. It must appear to a legal certainty that the claim is really for less than the jurisdictional amount to justify dismissal.” [St. Paul Mercury Indem. Co. v. Red Cab Co.](#), 303 U.S. 283, 288–89 (1938) (footnote omitted); *see also Horton v. Liberty Mut. Ins. Co.*, 367 U.S. 348, 353 (1961) (amount in controversy is determined “from the complaint itself, unless it appears or is in some way shown that the amount stated in the complaint is not claimed in good faith” (internal quotation marks omitted)).

Here, the Complaint fails to make any express allegations with respect to the amount-in-controversy. *See* Dkt. No. 1. Accordingly, it is hereby ORDERED that, by no later than **April 2, 2025**, Plaintiff may file an Amended Complaint that expressly alleges the amount-in-controversy. If, by this date, Plaintiff fails to amend the Complaint to truthfully allege an amount-in-controversy that exceeds \$75,000, then the action will be dismissed for lack of subject matter jurisdiction without further notice to any party.

Dated: March 3, 2025
New York, New York

SO ORDERED.


MARGARET M. GARNETT
United States District Judge